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B 4 conf)
-- 51. A compound according to claim 1 being 5(S)-Amino-2(S),7(S)-diisopropyl-4(S)-hydroxy-8-[4-tert-butyl-3-(3-methoxypropoxy)-phenyl]-octanoic acid [N-2-(morpholin-4-yl)-ethyl]-amide or a salt thereof. --

STATUS OF THE CLAIMS

Claims 1-7 and 25-36 were pending in the application.

In a telephonic interview with the Examiner, the claims have been subject to restriction.

Claims 6-24 and 29-36 are hereinabove cancelled and new claims 37-51 have been added.

Claims 1-5, 25-28 and 37-51 as amended are presented for consideration.

REMARKS

Applicants understand that the invention is subject to the following restriction of the claims:

- Group I : claims 1-7 and 25-27 where X is methylene and R₃ and R₄ together do not form a ring;
- Group II : claims 1-3, 5-7 and 25-27 where X is methylene and R₃ and R₄ together is a lower alkylenedioxy or a fused-on benzo or cyclohexeno ring;
- Group III : claims 1-3, 5, 7 and 25-27 where X is hydroxymethylene and R₃ and R₄ together do not form a ring;
- Group IV : claims 1-3, 5, 7 and 25-27 where X is hydroxymethylene and R₃ and R₄ together is a lower alkylenedioxy or a fused-on benzo or cyclohexeno ring;

Group V : claim 28; and
Group VI : claims 29-26.

Applicants have elected Group I, and after a search, the Examiner has agreed to include Group V subject to the same substituent restrictions of Group I.

With this understanding, and subject to applicants' right to raise the subject matter of the non-elected claims in a divisional application, applicants have hereinabove amended the claims to delete the non-elected subject matter.

Claim 7 had been previously amended (in the Preliminary Amendment filed concurrently with the application) to include the subject matter of claims 8-19, which were then cancelled. Applicants have hereinabove cancelled claim 7 and added new claims 37-51 which correspond identically to claims 7-19, 23 and 24 as filed (claims 20-22 containing non-elected subject matter). Accordingly, no issues of new matter are raised by these new claims. A fee sheet for the fee for filing additional claims is being concurrently filed.

Claim 6 is hereinabove cancelled since it is now redundant to the claim from which it depends.

The third compound in claim 25 contained an obvious structural error and so has been amended. Errors have also been corrected in the sixth full compound on page 192 of the application as filed (sixth compound on page 19 of this Supplemental Preliminary Amendment) and in the sixth from the last compound in claim 25.

Claim 28 has been amended to more clearly define the invention. Support for the term "nephropathy" may be found on page 21 of the specification.

